



**DMCJA Board of Governors Meeting**  
**Friday, July 10, 2020, 12:00 p.m. – 1:00 p.m.**  
**ZOOM VIDEO CONFERENCE**

**MEETING MINUTES**

**Members Present:**

Chair, Judge Michelle Gehlsen  
Judge Anita Crawford-Willis  
Judge Thomas Cox  
Judge Robert Grim  
Judge Drew Ann Henke  
Judge Tyson Hill  
Judge Aimee Maurer  
Judge Samuel Meyer  
Judge Kevin Ringus  
Judge Charles Short  
Judge Jeffrey Smith  
Judge Laura Van Slyck  
Commissioner Paul Wohl

**Guests:**

Judge Scott Ahlf  
Sean Bennet Malcolm, Esq., WSAJ  
Judge Mary Logan, BJA Representative  
Judge Tam Bui, BJA Representative  
Judge Jeffrey Goodwin, Rules Committee Chair  
Judge Timothy Jenkins, JASP Chair  
Dr. Susanna Kanther-Raz  
Stacie Scarpaci, MPA Liaison

**Administrative Office of the Courts (AOC)**

Sharon R. Harvey, DMCJA Primary Staff  
Susan (Peterson) Goulet  
J Benway

**Members Absent:**

Commissioner Rick Leo

**CALL TO ORDER**

Judge Michelle Gehlsen, District and Municipal Court Judges' Association ("DMCJA") President, noted a quorum and called the DMCJA Board of Governors ("Board") meeting to order at 12:33 p.m. Judge Gehlsen welcomed new and returning Board members.

**GENERAL BUSINESS**

A. Minutes for May 8, 2020 and June 15, 2020

The Board moved, seconded, and passed a vote ("M/S/P") to approved Minutes for May 8, 2020 and June 15, 2020.

B. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Smith, DMCJA Treasurer, directed Board members to review the Treasurer's Report in meeting materials. He expressed that the report is prepared by Christina Huwe, DMCJA Bookkeeper. Judge Smith reported that the association is saving a tremendous amount of money because there are no travel expenses during the Coronavirus ("COVID-19") public health emergency. He further reported on the status of an audit. In 2019, the Board voted to obtain a limited audit for a period of five years, namely, 2015-2020. Judge Smith informed that Dino Traverso, DMCJA Accountant, recommended Fruci & Associates to perform the audit. Therefore, Judge Smith spoke with Kory Kolterman, Fruci & Associates, via zoom video conference to initiate the audit. Judge Smith confirmed with the Board that the audit selected is in the range of seventy-five hundred dollars (\$7500) and ten thousand dollars (\$10,000). The Board has allotted up to \$10,000 for a five year limited agreed upon procedure ("AUP"). Kory Kolterman recommends a full scope review for nine thousand (\$9000). The Board agreed by general consensus with the recommendation. Judge Smith stated that a final audit report is expected in October 2020.

### C. Special Fund Report

Judge Gehlsen reported that there is approximately forty-four thousand dollars (\$44,000) in the Special Fund. She informed that Commissioner Leo, DMCJA Special Fund Custodian, is unable to attend this meeting, therefore, acceptance of the report is deferred to the next Board meeting.

### D. Standing Committee Reports

#### 1. Education Committee – Judge Charles Short

Judge Short, DMCJA Education Committee Chair, reported that the virtual Spring Conference, which consisted of educational webinars for DMCJA members, received positive reviews. According to evaluation results, shorter sixty minute online trainings are more preferred than longer ones. Further, other organizations are taking a look at how best to present educational webinars. Judge Short gave huge accolades to Phil Zitzelman, AOC Court Education Professional, who had an instrumental role in putting these education webinars together while also working on weekly Friday Forums, which are webinars to assist trial courts during the Coronavirus (“COVID-19”) pandemic. Judge Short reported that Judge Linda Portnoy will present a meditation session on July 31, 2020 at noon. Judge Short added that the DMCJA Education Committee is contemplating an education session on systemic racism that involves an update on racial relations in Ferguson, Missouri.

#### 2. Legislative Committee – Commissioner Paul Wohl and Judge Kevin Ringus

Commissioner Paul Wohl and Judge Kevin Ringus, DMCJA Legislative Committee Co-Chairs, reported that a solicitation for legislative proposals or fixes in the law for the 2021 Legislative Session has been sent to DMCJA members. DMCJA legislative proposals obtained from this solicitation will be discussed at the August 7, 2020 committee meeting. The committee plans to propose reintroducing previous DMCJA legislation that failed to pass the Legislature, such as *Interlocal Agreement for Probation*, [House Bill \(“HB”\) 2605](#) (2018 Legislative Session) and *Affidavit of Prejudice (Notice of Disqualification)*, [HB 1305](#).

Judge Ringus, Board for Judicial Administration (“BJA”) Chair, reported on the status of [HB 2793](#), *Vacating criminal records*, which is also known as the “Clean Slate Act.” The bill passed the 2020 Legislature but was vetoed by the governor because funds were not available to implement the bill as a result of economic impacts of the Coronavirus (“COVID-19”) pandemic. Judge Ringus reported the bill is likely to be reintroduced in 2021. BJA has concerns the bill will financially impact Washington courts and not produce the desired result of vacating massive convictions. The BJA has prepared a memorandum regarding the bill’s judicial impact, which Judge Ringus will send to Board members for their review today. Judge Ringus further reported that the BJA has formed a Clean Slate Act workgroup to address issues related to the bill. Judge Ringus reported that there may not be a Special Session this summer, however, the BJA Legislative Committee would like for judges to educate legislators on the judicial impacts of Clean Slate Act implementation, which will be a challenge for Washington State’s non-unified court system. Judge Ringus further reported that the BJA Legislative Committee has also formed the Single Judge Work Group to address a proposed statutory amendment to permit a judge in a single judge court to pre-designate a Presiding Judge Pro Tempore to serve when the judge is unable to serve on the bench because of death, incapacity, or resignation. The workgroup will contemplate the request.

Judge Gehlsen recognized Judge Meyer, who served as DMCJA Legislative Committee Chair for nearly a decade, and, reported that Melanie Stewart, DMCJA Lobbyist, is scheduling meetings with DMCJA Committee leaders and key legislators. Judge Gehlsen encouraged DMCJA Board members who have relationships with legislators to inform her or DMCJA Legislative Committee co-chairs.

#### 3. Rules Committee Minutes for February 26, 2020 and April 22, 2020

Judge Gehlsen informed that DMCJA Rules Committee Minutes for February 26, 2020 and April 22, 2020 are located in meeting materials.

E. Judicial Information System (“JIS”) Report – Vicky Cullinane

Vicky Cullinane, AOC JIS Business Liaison, reported on the status of the Courts of Limited Jurisdiction Case Management System (“CLJ-CMS”) Project. She informed that the Project is close to signing a contract with Tyler Technology for statewide case management services. There is a draft schedule in place and the Project team is working behind the scenes on items such as e-filing to communicate with stakeholders and in depth work with the pilot courts. Vicky Cullinane is working with AOC’s legislative liaison to perform a legislative outreach for legislative funding of the Project. This may be challenging this year because of the economic impact of the COVID-19 pandemic. Therefore, it is important to inform legislators of how important this system is for limited jurisdiction courts and how much revenue these courts generate for the JIS account and court system. Vicky Cullinane encouraged judges to reach out to their local legislators and invite them to their courts to show them the current computer system. She reported on the status of a Model Local Rule that is set to roll out within a year.

F. JISC Update – Judge Scott Ahlf, DMCJA JISC Representative, will discuss reduction of reimbursement for technology equipment replacement.

Judge Ahlf, DMJCA Liaison for the Judicial Information System Committee (“JISC”), reported on a dilemma regarding external equipment replacement monies for courts, which is now underfunded because of other key priorities for which funds were used. Judge Ahlf asked Vicky Cullinane, AOC Staff for the JISC, whether she had anymore to add. Ms. Cullinane informed that the JISC is the governing body for court information technology. She informed that the issue arose because there is not enough money to fund everything on the JISC list of priorities. The thought was to provide external equipment replacement to smaller courts first, which caused funds to run out before assisting larger courts. Judge Ahlf requested Board members to provide any thoughts regarding the issue to him, Vicky Cullinane, or Ramsey Radwan. There is a workgroup that will look at the future biennia regarding such issues. The JISC will meet in August 2020 to discuss proposals for adding funds for external equipment replacement.

## LIAISON REPORTS

A. Administrative Office of the Courts (**AOC**) – Dawn Marie Rubio, State Court Administrator

1. CARES Act Funding Update

Judge Gehlsen reported that AOC received \$11.8 million in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding for distribution throughout Washington Courts and Clerks’ Offices. For details, please see pages X26-X39 in the Supplemental Agenda packet.

B. Board for Judicial Administration (**BJA**) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson

Judge Logan, who serves on the BJA Budget and Funding Committee, reported on the process for submitting budget proposals through the BJA. Judge Logan informed that the process slightly changed when former Chief Justice Mary Fairhurst allowed people to sit in and view budget packages presented to the Washington State Supreme Court, which was a benefit for those who would seek budget package approval. For more information about the BJA Budget and Funding Committee, please visit the web page [here](#). Judge Bui reported that the BJA Court Education Committee (“CEC”) is developing a strategic plan for online education and considering refashioning the Judicial College curriculum. For more information on the CEC, visit the web link [here](#).

C. District and Municipal Court Management Association (**DMCMA**) – Patricia Kohler, President  
Patricia “Patti” Kohler, DMCMA Liaison, reported that DMCMA is working with the AOC to host regional trainings for court staff. These trainings were scheduled for April 2020 and October 2020. Courts are now developing innovative ways to conduct jury trials during the COVID-19 public health emergency, which requires social distancing. Judge Gehlsen thanked Patti Kohler for her years of excellent service in the Judiciary.

D. Misdemeanant Probation Association (**MPA**) – Stacie Scarpaci, Representative  
Stacie Scarpaci, MPA liaison, reported that the MPA annual conference was cancelled this year because of the seriousness of the COVID-19 public health emergency. The MPA has rebooked the Heathman Lodge in Vancouver, Washington in order to hold its annual conference there in 2022. Stacie Scarpaci informed that presenters have been secured for next year's annual conference. She further informed that letters went to providers in the Greenbook for substance abuse disorders. The next MPA meeting is July 27, 2020.

E. Superior Court Judges' Association (**SCJA**) – Judge David Estudillo, President-Elect  
Judge Estudillo, SCJA liaison, reported that the SCJA has created task forces to address systemic racism and unlawful detainer. Judge Estudillo informed that unlawful detainer has produced an influx of cases. The SCJA will host three webinars in July that will provide beneficial information about best practices for unlawful detainer actions. The unlawful detainer workgroup has gathered best practices regarding initial actions. Judge Estudillo further reported that the Washington Citizens' Commission on Salaries for Elected Officials will hold its first meeting in October, and, the group is set to meet every month thereafter. Judge Estudillo informed that the SCJA is also addressing issues regarding service of process, such as, service by email.

F. Washington State Association for Justice (**WSAJ**) – Sean Bennet Malcolm, Esq.  
Judge Gehlsen commended Sean Malcolm Bennet, Esq., WSAJ liaison, for being the first person to join the meeting. The liaison expressed that WSAJ is supportive of eService and will continue to monitor different changes related to civil litigation.

G. Washington State Bar Association (**WSBA**) – Kim E. Hunter, Esq.  
Judge Gehlsen informed that Kim Hunter, Esq., WSBA liaison, is unable to attend today's meeting.

## **ACTION**

1. Board Position #1, Full-Time District Court – Request for Ratification of Appointment  
M/S/P to ratify Judge Gehlsen's appointment of Judge Karl Williams, Pierce County District Court, to fill Board Position #1.

2. DMCJA Reserves Committee Recommendations for the Board  
M/S/P to approve the following recommendations of the DMCJA Reserves Committee: (1) Board should not request from its members a Special Fund assessment for 2020-2021; (2) Board should maintain the Special Fund account at the Washington Federal Bank; and (3) Special Fund Custodian should continue to decide whether the recommendations fit the Fund's daily needs.

3. Appreciation Gift for Melanie Stewart, Esq., DMCJA Lobbyist  
M/S/P to approve the purchase of a purse for Melanie Stewart, DMCJA Lobbyist, in the amount of up to three hundred dollars (\$300.00) to be taken from the DMCJA Special Fund account.

4. DMCJA Rules Committee Seeks Board Concurrence – to Amend Civil Rules for Courts of Limited Jurisdiction, ("CRLJ") 4, Process  
M/S/P to approve of the DMCJA Rules Committee considering whether to amend CRLJ 4, *Process*, to include service by email.

## **DISCUSSION**

### **A. Welcome to New Members: Board of Governors Orientation**

Judge Gehlsen welcomed new Board members and encouraged them to read their reference materials. She introduced Sharon Harvey, AOC Court Association Coordinator, who serves as primary support for the Board. Sharon Harvey introduced Susan (Peterson) Goulet, AOC, who assists with Board duties.

**B. Judicial Assistance Services Program (“JASP”) Presentation – Judge Timothy Jenkins and Dr. Susanna Kanther Raz.**

Judge Timothy Jenkins, JASP Chair, and Dr. Susanna Kanther-Raz, Licensed Clinical Health Psychologist, presented on the services and benefits of JASP, which serves judges from all court levels. During this thirty-minute presentation presenters informed that JASP services are purely confidential. Dr. Kanther-Raz does not make psychiatry referrals but has a concierge-like service for therapy. She performs psychotherapy and has a system that ensures privacy. Presenters informed that peer counselors, who are state judges, are trained to assist those referred to the program. Stress has been identified as the primary reason judges seek JASP’s services. For more information about JASP, Dr. Susanna Kanther-Raz’s services, and peer counselors, please select the web link [here](#).

**C. Board Dinner: Whether to have a gathering with the new Board**

Judge Gehlsen reported that this issue will be deferred to a future Board meeting because the COVID-19 pandemic limits social gatherings.

**D. Board Position #1, Full-Time District Court – Request for Ratification of Appointment**

Judge Gehlsen reported that she has appointed Judge Karl Williams, Pierce County District Court, to serve as Board Member, Position 1, and seeks Board ratification of the appointment. Judges Ringus and Henke expressed that Judge Williams would be an asset to the Board. Judge Ringus informed that Judge Williams has served as a pro tempore judge for twenty-two years. M/S/P to make request to ratify appointment an action item.

**E. DMCJA Reserves Committee Recommendations for the Board**

Judge Gehlsen, DMCJA Reserves Committee Chair, reported that the committee met on Sunday, May 31, 2020, and decided by general consensus to request the Board approve the following recommendations: (1) Board should not request from its members a Special Fund assessment for 2020-2021; (2) Board should maintain the Special Fund account at the Washington Federal Bank; and (3) Special Fund Custodian should continue to decide whether the recommendations fit the Fund’s daily needs. Therefore, the Custodian should look at options in order to best maximize returns and make recommendations to the Board of Governors. M/S/P to make an action item.

**F. Appreciation Gift for Melanie Stewart, Esq., DMCJA Lobbyist**

Judge Gehlsen requested Board approval to purchase a purse for Melanie Stewart in the amount of three hundred dollars. The Special Fund Policy requires Board approval for a President’s gift purchase that exceeds one hundred dollars. Judge Gehlsen informed that it is customary for the DMCJA to give a purse for Melanie Stewart annually to show appreciation for her invaluable service to the association. M/S/P to make an action item.

**G. New DMCJA Priority, *Identifying and Eliminating Systemic Racism in Our Justice System*:  
DMCJA Diversity Committee to Develop an Action Plan to Address the Issue**

The Board tasked the DMCJA Diversity Committee with creating a plan of action for the DMCJA’s first priority, *Identifying and Eliminating Systemic Racism in our Justice System*. Judge Charles Short reported that the committee has endeavored to increase diversity on the bench through its biennial pro tempore trainings in which the committee reaches out to minority bar associations to encourage members to take the training and become pro tempore judges. Upon completion of the training, a pro tem list is disseminated to state courts. Judge Short requested the Board elevate this list by encouraging DMCJA members to use it. The idea is to have these pro tem judges seek election or become appointed to the bench, which will lead to more judicial diversity. Judge Short reported that the committee brainstormed ideas to achieve the priority, such as (a) hosting an education program on what systemic racism looks like, (b) creating a resource toolkit for judges, (c) identifying data and research to develop best practices, (d) identify practices with legal financial obligations and electronic home monitoring that disproportionately impact people of color, (e) form a book club, and (f) pattern Seattle’s *Race and Social Justice Initiative*, which is an effort to end institutionalized racism and race-based disparities in city government. Judge Short informed that this is an ongoing issue for the committee. Judge

Gehlsen suggested forming a workgroup to address these issues, and, supports a toolkit to assist judges. Judge Gehlsen reported that Judge Willie Gregory, DMCJA Diversity Committee Chair, suggested that members speak with and listen to people of color in order to identify and eliminate systemic racism in our justice system.

#### **H. DMCJA Board of Governors Insurance**

This topic will be deferred to the next Board meeting. Judge Gehlsen reported that the DMCJA approved obtaining Directors and Officers (“D&O”) Insurance for the Board. Judge Gehlsen informed that she will work with the SCJA to determine which insurance company it uses for its D&O insurance. She added that Sharon Harvey has written an informative memorandum regarding whether funds for this insurance should be taken from the DMCJA Special Fund or its public funds.

#### **I. DMCJA Rules Committee Seeks Board Concurrence to Amend Civil Rules for Courts of Limited Jurisdiction, (“CRLJ”) 4, Process**

Judge Goodwin, DMCJA Rules Committee Chair, reported that the committee plans to review all CRLJs this year. The committee is interested in exploring whether an amendment to CRLJ 4, Process, to allow service by email, may be warranted given the current public health crisis. Such an amendment is more likely to get notice to people than service by publication. The committee has discussed both amending the rule and providing a local rule option. Judge Goodwin expressed that he is before the Board to determine whether the Board agrees that this is an amendment the committee should consider. Judge Ringus inquired whether the committee has contemplated the issue of read receipt or email delivery receipt. Judge Cox expressed that few people respond to letters sent by the Clerk’s Office in Grant County. M/S/P to make an action item whether the Board is supportive of the committee taking a look at the issue.

#### **INFORMATION**

Judge Gehlsen shared the following information with Board meeting participants:

- A. The Washington State Resumption of Jury Trials Workgroup has provided guidance regarding jury trials during the Coronavirus (“COVID-19”) public health emergency, which may be found [here](#).
- B. Chief Justice Debra Stephens’ letter dated June 15, 2020 regarding judicial independence.
- C. The Washington State Supreme Court issued an [open letter](#) regarding systemic racism that has been disseminated to the legal community. The Gender and Justice Commission issued a [letter of support](#) of this action.
- D. Presiding Judge and Administrator Team Education will host a webinar regarding COVID-19 related budget shortfalls and judicial independence on Friday, July 24, 2020 at noon. For more information, please contact Pam Dittman, AOC Court Education Professional, at [Pam.Dittman@courts.wa.gov](mailto:Pam.Dittman@courts.wa.gov).

#### **OTHER BUSINESS**

The next DMCJA Board Meeting is August 14, 2020, from 12:30 p.m. to 3:30 p.m., via zoom video conference.

**ADJOURN** at 2:43 p.m.